

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FISHER SAND & GRAVEL, CO.,
d/b/a SOUTHWEST ASPHALT PAVING, and
FISHER SAND & GRAVEL – NEW MEXICO, INC.,

Plaintiffs,

Case No. 10 CV 635 RB/SMV

vs.

FNF CONSTRUCTION, INC., *et al.*,

Defendants.

ORDER GRANTING IN PART AND DENYING IN PART
DEFENDANT JED BILLINGS' MOTION TO COMPEL RESPONSES
TO HIS FIRST INTERROGATORIES AND
SECOND REQUESTS FOR PRODUCTION (DOC. 342)

THIS MATTER having come before the Court on January 6, 2014, for hearing on Defendant Jed Billings' Motion to Compel Responses to His First Interrogatories and Second Requests for Production (Doc. 342), the Court having reviewed said Motion, Plaintiffs' response thereto (Doc. 369) and Defendant Billings' reply in support thereof (Doc. 388) and having heard oral argument from Counsel; the Court having been informed Plaintiffs have responded to Billings' Request for Production No. 15; and the Court having determined that the Motion should be granted in part and denied in part;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendant Jed Billings' Motion to Compel Responses to His First Interrogatories and Second Requests for Production (Doc. 342) (hereinafter "Motion") is hereby granted in part and denied in part as set forth herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Billings' Motion is denied as to Interrogatories Nos. 1 and 2 as Plaintiffs have produced relevant

documents from January 2009 to the present.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Billings' Motion is granted in part as to Interrogatories Nos. 3 and 4 as follows:

- Plaintiffs shall disclose the identity of all persons who have reviewed the subject emails of which Plaintiffs are aware at this time which are not readily apparent from the face of said emails by January 21, 2014.
- To the extent Plaintiffs, in the future, discover additional individuals who may have reviewed the subject emails, Plaintiffs shall disclose the identity of such individuals within seven days of said discovery.

Billings' Motion is denied as to Interrogatories Nos. 3 and 4 in all other respects.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Billings' Motion is denied as to Interrogatory No. 6 and Request for Production No. 11 based upon Plaintiffs' responses to date.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Billings' Motion is granted as to Request for Production No. 13 and Plaintiffs shall, by January 21, 2014, produce monthly financial reports for the months of January 2008 through August 2009 similar to those previously produced as to July 2009.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Billings' Motion is denied as to Request for Production No. 14.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Billings' Motion is denied as moot as to Request for Production No. 15 based upon Plaintiffs' disclosure.



STEPHAN M. VIDMAR
United States Magistrate Judge

Submitted by:

/s/ Billy R. Blackburn

BILLY R. BLACKBURN
Attorney for Defendant Billings

Approved as to form:

Via electronic mail 1-17-14

WILLIAM J. QUINLAN
TIMOTHY C. HOLM
JEREMY HARRISON
Attorneys for Plaintiffs

Via electronic mail 1-16-14

DAVID W. BUNTING
Attorney for Defendants Pulice and Basila

Via electronic mail 1-16-14

CHARLES R. PEIFER
LAUREN KEEFE
Attorneys for Defendant FNF Construction